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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,893	01/18/2001	Vincent Hill	STRATE00-07	9283

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EXAMINER	
KLIMACH, PAULA W	
ART UNIT	**PAPER NUMBER**
2135	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/765,893	HILL, VINCENT	
	Examiner	Art Unit	
	Paula W Klimach	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 11, 21, 25, 28, 31-32, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Short et al (6,636,894 B1).

In reference to claim 1, Short teaches a method for controlling access of a user to a telecommunications network via a gateway server comprising: the gateway server receiving a profile identifier (column 8 lines 54-60). The user enters their login information, which is inherently sent to the gateway server where the profile database is stored. The gateway server accessing a profile stored in a database at the first data structure based on the profile identifier, the profile containing at least one access criterion (column 11 lines 19-25). The user is allowed access depending on the profile information (column 13 lines 29-34). If all the access criteria are satisfied, the gateway server allowing the user access to the telecommunications network (column 13 lines 13-21). If any access criteria are not satisfied, the gateway server denying the user access to the telecommunications network (column 13 lines 3-12). The denied user is directed to another page.

In reference to claims 6 and 11, Short teaches a method for controlling access of a computer terminal having a terminal communications device (Fig. 1 part 14) connected to telecommunications lines to a computer network via a gateway server (Fig. 1 part 12). The computer terminal has readable media storing an address for accessing said gateway server (column 8 lines 5-19). The MAC address is an address used by the terminal computer for

gaining access to the networks and therefore the gateway. The MAC address is used by the terminal and therefore stored in the readable media. Short discloses a database at the first data structure storing at least one profile correlated to a profile identifier, said profile including an access criterion (column 11 lines 18-25). The AAA server determines the access rights of the particular user (column 12 lines 21-29). These access rights perform the function of the access criterion because they are used to determine the amount of access the user gets. The computer terminal accessing said gateway server at the predetermined address via said telecommunications lines (column 8 lines 5-19). The address is used to describe the location of the terminal and therefore the predetermined address at which the terminal gains access. The communication is carried out on telecommunication lines (Fig. 1). The gateway server contains the AAA server (column 4 lines 54-58); therefore the gateway server receives a profile identifier at said server communications device, since the login page is maintained at the local gateway device. Regarding the server communication device, the server is connected to the network and therefore inherently contains a server communications device. The gateway server accessing a profile associated with the profile identifier received (column 12 lines 21-28). The gateway server determines whether the access criterion is satisfied (column 12 lines 21-45). Short discloses examples of access criterion that need to be satisfied for a person to gain access to the network and the QoS of the network access. If the entire access criterion in a profile associated with a requesting computer terminal are satisfied, the gateway server allowing the requesting computer terminal access to the computer network (column 13 lines 13-21). If the access criterion in a profile associated with a requesting computer terminal are not satisfied, the gateway server

denying the requesting computer terminal access to the computer network (column 13 lines 3-12).

In reference to claims 21 and 25, are rejected as in the rejection for claim 6 and 11. Short teaches further, the user profile including historical data, such as the amount of time the user has access the network (column 12 lines 32-36). The system of Sharp would inherently calculate the balance from this historical information, which would provide the system with the fees to charge the user of the terminal. The historical information is stored in the user profile that provides the access rights used to determine whether to allow access or not.

In reference to claims 28 and 32, are rejected as in the rejection for claim 6 and 11. Short teaches further providing removable computer readable media at said computer terminal, said readable media storing an address for accessing said gateway server and a profile identifier (column 2 lines 1-44). The removable media at the computer terminal is the portable computer that is removable and connects to the network such as the airport network and is therefore also the terminal. The system then directs the user to portal page, as a result no additional software is required (column 3 line 41 to column 4 line 13).

In reference to claims 31 and 35, wherein said computer terminal utilizes an Internet browser to receive Internet transmissions, the method further comprising programming instructions at said removable computer readable media directing the launch of said Internet browser and directing the Internet browser to a predetermined Internet address. The system disclosed by Short teaches a system wherein the user opens a web browser on the user system (column 9 lines 31-34). The user is then redirected to a portal server and therefore a predetermined address (column 9 lines 36-43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Short.

Claims 22 and 26 are rejected as in claims 21 and 25 above. Short discloses a system wherein historical data is maintained for use in billing the user. The terminal (14) also includes a display. In addition Short describes his system as a transparent system

Short does not expressly disclose displaying the billing information to the user on the display.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to display the billing information and therefore the balance on the user's screen in the system disclosed by Sharp. One of ordinary skill in the art would have been motivated to do this because Short discloses a system for transparently accessing the gateway, providing the cost of accessing the network through the gate way increases the transparency of the system.

Claims 2-4, 7-9, 12-15, 17, 19, 24, 29-30,and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Short as applied to claim 1, 6, and 11 above, and further in view of Moriconi et al (20010007133).

In reference to claims 17 and 19, are rejected as in the rejection for claim 6 and 11; however Short does not discloses providing a chronometer at the gateway server, determining the

time of day of the computer terminal access, and determining whether the computer terminal access has occurred during the access time period.

Moriconi discloses access criteria that include the time of day (page 5 paragraph 0067). As a result the system of Moriconi would include a chronometer that would determine the time of date. The criteria are access criteria, which implies that the system of Moriconi determines whether the computer terminal access has occurred during the time of day.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the time of day as access criteria as shown in Moriconi in the system of Short. One of ordinary skill in the art would have been motivated to do this because the system of Short may what to charge different fees for access during different times of the day as well as charging different fees from different locations.

In reference claims 2, 7, and 12, wherein at least one of said access criterion is the time of day.

Short does not expressly disclose the time of day as an access criterion.

However, Moriconi discloses access criteria that include the time of day (page 5 paragraph 0067).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the time of day as access criteria as shown in Moriconi in the system of Short. One of ordinary skill in the art would have been motivated to do this because the system of Short may what to charge different fees for access during different times of the day as well as charging different fees from different locations.

In reference to claims 3, 8, and 13, wherein at least one of said access criterion is the day of the week, Short does not expressly disclose the day of the week as access criteria.

However, Moriconi teaches that the access criteria that include the time of day (page 5 paragraph 0067) as well as custom-defined access criteria. As a result the day of the week could be custom-defined by the designer of the system.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the day of the week as access criteria as shown in Moriconi in the system of Short. One of ordinary skill in the art would have been motivated to do this because the system of Short may what to charge different fees for access during certain days of the week and different fees for access from different locations.

In reference to claims 4, 9, and 14, wherein said profile additionally contains an account balance available to the user and the gateway server continuously decrements said account balance by the time elapsed during access to the telecommunications network. Short also teaches the user profile including historical data, such as the amount of time the user has access the network (column 12 lines 32-36). The system of Sharp would include calculating the balance from this historical information, which would provide the system with the fees to charge the user of the terminal. The balance is then the access criteria used to determine whether to allow access or not.

In reference to claim 24, wherein the gateway server timing the computer network access and continuously decrementing said account balance by the time elapsed during access to the computer network. Short also teaches the user profile including historical data, such as the

amount of time the user has access the network (column 12 lines 32-36). The system of Sharp would include calculating the balance from this historical information.

Sharp does not expressly disclose decrementing the account balance by the time elapsed.

However, Moriconi teaches that the access criteria that include the time of day (page 5 paragraph 0067) as well as custom-defined access criteria. Decrementing the time elapsed during the access to the computer network is carried out by custom-defined criteria.
At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the day of the week as access criteria as shown in Moriconi in the system of Short using the historical data. One of ordinary skill in the art would have been motivated to do this because the system of Short may what to charge different fees for access during certain days of the week and different fees for access from different locations.

In reference to claims 29 and 33, wherein the access criterion is the account balance of time. Sharp does not expressly disclose the user of account balance of time as access criterion.

However, Moriconi teaches that the access criteria that include the time of day (page 5 paragraph 0067) as well as custom-defined access criteria. As a result the account balance of time is a custom-defined access criteria and therefore defined by the designer of the system.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the day of the week as access criteria as shown in Moriconi in the system of Short. One of ordinary skill in the art would have been motivated to do this because the system of Short may what to charge different fees for access during certain days of the week and different fees for access from different locations.

In reference to claims 30 and 34, wherein the profile further includes predefined content criteria, the method further comprising monitoring the Internet access and intercepting any Internet transmissions defined in the content criteria. Sharp does not expressly disclose content as access criterion

However, Moriconi teaches that the access criteria that include the time of day (page 5 paragraph 0067) as well as custom-defined access criteria. Custom defined access criteria would include content. The policy rules, disclosed by Moriconi, include the custom-defined access criteria. These policy rules are further used to grant or deny access (page 7 paragraph 0093).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use custom-defined access criteria as shown in Moriconi in the system of Short to grant or deny access depending on the content. One of ordinary skill in the art would have been motivated to do this because it could be used to prevent users from misusing the system to view unacceptable content.

In reference to claim 15, in which said computer terminal includes a display, the system further comprising programming instructions stored at the first data structure directing the gateway server to transmit data representing the account balance to the computer terminal for display thereat. Short discloses a system wherein historical data is maintained for use in billing the user.

Short does not expressly disclose displaying the billing information to the user on the display.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to display the billing information and therefore the balance on the user's screen in the system disclosed by Sharp. One of ordinary skill in the art would have been motivated to do

this because Short discloses a system for transparently accessing the gateway, providing the cost of accessing the network through the gate way increases the transparency of the system.

Claims 5, 10, 16, 18, 20, 23, and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Short as applied to claims 1, 6, 11, 17, 19, 21, 25 above, and further in view of Curry et al (6,233,234 B1).

Although Short discloses communication between users and networks through dial-up, Short does not expressly disclose the gateway server receiving automatic number identification data from a public switched telephone network identifying the telephone number from which a user is connecting.

Curry discloses the gateway server receiving the telephone number of the terminal from which the user is connecting (column 18 lines 1-14).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to receive the telephone number of the calling party as disclosed by Curry in the system of Short. One of ordinary skill in the art would have been motivated to do this because the information is a convenient way to identify the user's location from a dial-up network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W Klimach whose telephone number is (703) 305-8421. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK
May 27, 2004

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